UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/091,065	03/04/2002	Anders Vinberg	063170.7028 (20000036-CIP	8010

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EXAMINER
LEE, PHILIP C

ART UNIT	PAPER NUMBER
2152	

DATE MAILED: 11/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>21 September 2006</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1,3-9,11,13-20,31 and 32</u> is/are pending in the application.

    4a) Of the above claim(s) <u>21-30</u> is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1,3-9,11,13-20,31 and 32</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>8/4/06,9/21/06</u>.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

1.   This action is responsive to the amendment and remarks filed on September 21, 2006.

2.   Claims 1, 3-9, 11, 13-20 and 31-32 are presented for examination and claims 2, 10 and 12 are canceled.

3.   The text of those sections of Title 35, U.S. code not included in this office action can be found in a prior office action.

Claim Rejections – 35 USC 103

4.   Claims 1-5, 9 and 11-15 rejected under 35 U.S.C. 103(a) as being unpatentable over Touboul, U.S. Patent 6,125,390 (hereinafter Touboul) and Jacobs, U.S. Patent 5,761,502 (hereinafter Jacobs) in view of Dev et al, U.S. Patent 6,049,828 (hereinafter Dev).

5.   Touboul and Jacobs were cited in the last office action.

6.   As per claims 1, 9 and 11, Touboul taught the invention substantially as claimed for reporting the context of an alert condition, comprising:

    reporting an alert condition associated with a subject system object (col. 8, lines 10-12; col. 6, lines 54-61);

    analyzing the system objects associated with the alert condition to obtain context data (col. 5, lines 7-10; col. 4, lines 39-44; col. 7, lines 40-49);

generating a context message based on the context data (col. 5, lines 7-10; col. 7, lines

40-49); and

outputting the context message (col. 8, lines 31-34; col. 14, lines 6-7, 20-23).

7.   Touboul did not teach accessing a database to identify a group of system objects known

to be associated with one another. Jacobs taught accessing a database to identify a group of

system objects known to be associated with one another (col. 8, lines 5-7; col. 9, lines 9-14, 24-

37; col. 14, lines 11-19); and identifying, from the group of system objects, a relevant system

object that is known to be associated with the subject system object (col. 9, lines 48-54; col. 13,

lines 8-63; col. 14, lines 38-53).

8.   It would have been obvious to one having ordinary skill in the art at the time of the

invention was made to combine the teachings of Touboul and Jacobs because Jacobs's teaching

of accessing a database to identify a group of system object known to be associated with one

another would increase the alertness of network management personnel by providing a view of

the current state of the network that correlates related network events (col. 2, lines 29-65).

9.   Touboul and Jacobs did not teach receiving, in response to the reporting of the alert

condition, a user-generated dialogue request requesting context data. Dev taught receiving, in

response to the reporting of the alert condition, a user-generated dialogue request requesting

context data (col. 8, lines 31-37); and the context message responsive to the user-generated

request dialogue (col. 8, lines 31-37; col. 15, lines 12-29). (dialogue request is interpreted as a

user input requesting a machine response that form a "conversation")

10.   It would have been obvious to one having ordinary skill in the art at the time of the

invention was made to combine the teachings of Touboul, Jacobs, and Dev because Dev's

teaching of a user-generated dialogue request would make it easier for user in Touboul's and

Jacobs' systems to request more information regarding an alarm condition.

11.   As per claims 3 and 13, Touboul, Jacobs and Dev taught the invention substantially as

claimed in claims 1 and 11 above. Touboul further taught wherein the analyzing includes

determining properties of the subject system object (col. 7, lines 40-49).

12.   As per claims 4 and 14, Touboul, Jacobs and Dev taught the invention substantially as

claimed in claims 1 and 11 above. Touboul further taught wherein analyzing includes

determining a physical location of a component represented by the subject system object (col. 4,

lines 39-44).

13.   As per claims 5 and 15, Touboul, Jacobs and Dev taught the invention substantially as

claimed in claims 1 and 11 above. Jacobs further taught wherein analyzing includes determining

a logical relationship of a component represented by the subject system object to a component

represented by the relevant system object (col. 13, lines 8-63; col. 14, lines 38-52).

14.   It would have been obvious to one of ordinary skill in the art at the time the invention

was made to combine the teachings of Touboul, Jacobs and Dev for the same reason set forth in

claim 1 above.

15.   Claims 6 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Touboul,

Jacobs and Dev in view of Cox, U.S. Patent 6,011,838 (hereinafter Cox).

16.   Cox was cited in the last office action.

17.   As per claims 6 and 16, Touboul, Jacobs and Dev taught the invention substantially as

claimed in claims 1 and 11 above. Touboul, Jacobs and Dev did not teach determining a traffic

load associated with the subject system object. Cox taught determining a traffic load associated

with a system object (col. 3, lines 30-50).

18.   It would have been obvious to one of ordinary skill in the art at the time the invention

was made to combine the teachings of Touboul, Jacobs, Dev and Cox because Cox's teaching of

determining a traffic load would increase the efficiency of Touboul's, Jacobs's and Dev's

systems by minimize the amount of failure cause by overloading a system object (col. 1, lines

11-15).

19.   Claims 7 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Touboul,

Jacobs and Dev in view of Grace, U.S. Patent 5,748,098 (hereinafter Grace).

20.   Grace was cited in the last office action.

21.   As per claims 7 and 17, Touboul, Jacobs and Dev taught the invention substantially as

claimed in claims 1 and 11 above. Touboul, Jacobs and Dev did not explicit teach a component

that is dependent on a component represented by the subject system object. Grace taught

wherein the relevant system object representing a component that is dependent on a component

represented by the subject system object (col. 1, lines 40-56; col. 3, lines 5-15).

22.   It would have been obvious to one of ordinary skill in the art at the time the invention

was made to combine the teachings of Touboul, Jacobs, Dev and Grace because Grace's teaching

of relevant system object representing a component that is dependent on a component

represented by the subject system object would increase efficiency of Touboul's, Jacobs's and

Dev's systems by avoiding time wasted on investigating the sources of all the alert condition

associated with dependent resources (col. 1, lines 40-56).

23.   Claims 8 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Touboul,

Jacobs and Dev in view of Nishida, U.S. Patent 5,440,688 (hereinafter Nishida).

24.   Nishida was cited in the last office action.

25.   As per claims 8 and 18, Touboul, Jacobs and Dev taught the invention substantially as

claimed in claims 1 and 18 above. Touboul, Jacobs and Dev did not teach wherein generating

includes replacing quantifiable context data with a qualitative identifier. Nishida taught a similar

invention wherein generating includes replacing quantifiable context data with a qualitative

identifier (col. 3, lines 29-40).

26.   It would have been obvious to one of ordinary skill in the art at the time the invention

was made to combine the teachings of Touboul, Jacobs, Dev and Nishida because Nishida's

teaching of replacing quantifiable context data with a qualitative identifier would increase the

user alertness in Touboul's, Jacobs's and Dev's systems by allowing alarm with critical level

being at the highest in the range of emergencies demanding immediate attention by the network

management personnel (col. 3, lines 36-38).

27.   Claims 19-20 and 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Touboul, Jacobs and Dev in view of Fanshier et al, U.S. Patent 5,933,601 (hereinafter Fanshier).

28.   Fanshier was cited in the last office action

29.   As per claims 19 and 31, Touboul, Jacobs and Dev taught the invention substantially as

claimed in claims 1 and 11 above. Touboul, Jacobs and Dev did not specifically detailing the

relevant system object represents a sub-component of the subject system object. Fanshier taught

wherein the relevant system object represents a component that is a sub-component of a component represented by the subject system (fig. 3; col. 5, lines 15-41).

30.   It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Touboul, Jacobs, Dev and Fanshier because Fanshier's teaching of the relevant system object represents a component that is a sub-component of a component represented by the subject system would increase the alertness of Touboul's, Jacobs's and Dev's systems by providing the relationship of components using an object-based presentation of components executed by each of the nodes within a network in a hierarchy form (col. 1, lines 36-44).

31.   As per claims 20 and 32, Touboul, Jacobs and Dev taught the invention substantially as claimed in claims 1 and 11 above. Touboul, Jacobs and Dev did not specifically detailing the relevant system object represents a grouping with the subject system object. Fanshier taught wherein the relevant system object represents a component that is in a grouping with a component represented by the subject system object (fig. 3; col. 5, lines 15-41).

32.   It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Touboul, Jacobs, Dev and Fanshier because Fanshier's teaching of the relevant system object represents a component that is in a grouping with a component represented by the subject system object would increase the alertness of Touboul's, Jacobs's and Dev's systems by providing the relationship of components using an object-based

presentation of components executed by each of the nodes within a network in a hierarchy form

(col. 1, lines 36-44).

CONCLUSION

33.   Applicant's arguments with respect to claims 1, 3-9, 11, 12-20 and 31-32, filed 9/21/06,

have been fully considered and are moot in view of new grounds of rejection.

34.   Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A

shortened statutory period for reply to this final action is set to expire THREE MONTHS from

the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the

mailing date of this final action and the advisory action is not mailed until after the end of the

THREE-MONTH shortened statutory period, then the shortened statutory period will expire on

the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be

calculated from the mailing date of the advisory action. In no event, however, will the statutory

period for reply expire later than SIX MONTHS from the date of this final action. Any inquiry

concerning this communication or earlier communications from the examiner should be directed

to Philip C Lee whose telephone number is (571)272-3967. The examiner can normally be

reached on 8 AM TO 5:30 PM Monday to Thursday and every other Friday. If attempts to reach

the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit

can be reached on (571) 272-3913. The fax phone number for the organization where this

application or proceeding is assigned is 571-273-8300. Information regarding the status of an

application may be obtained from the Patent Application Information Retrieval (PAIR) system.

Status information for published applications may be obtained from either Private PAIR or

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only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business Center

(EBC) at 866-217-9197 (toll-free).

P.L.

BUNJOB JAROENCHONWANIT
SUPERVISORY PATENT EXAMINER